

REMARKS

This Application has been carefully reviewed in light of the Office Action. Applicants appreciate the Examiner's consideration of the Application. In order to advance prosecution of this Application, Applicants have responded to each notation by the Examiner. Applicants respectfully request reconsideration and favorable action in this case.

Allowed and Allowable Claims

Applicants appreciate the Examiner's allowance of Claim 20.

Section 102 Rejection

The Examiner rejects Claims 1-3, 7-9, 13-15, and 19 under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 6,327,276 to Robert et al. ("*Robert*"). Applicants respectfully traverse this rejection for the reasons discussed below.

Applicants respectfully submit that *Robert* fails to disclose, teach, or suggest the elements specifically recited in Applicants' claims. For example, *Robert* fails to disclose, teach, or suggest the following elements recited in amended independent Claim 1:

determining, at the local endpoint, a plurality of metric ratings, each metric rating reflecting an importance of a signal of the plurality of signals.

The Examiner relies on the passage at col. 6, lines 1-25 of *Robert* to teach a prior version of Claim 1. (Office Action, page 2.) Whether or not this is correct, *Robert* fails to disclose, teach, or suggest the above limitation of amended Claim 1. For example, the passage at col. 6, lines 1-25 of *Robert* discloses:

The output signals of all of the clients involved in a conference call are received by the server 340. The server then, in a jitter buffer 342, synchronizes the data packets from the various received signals to compensate for the small variations in arrival time usually present in signals transmitted over a LAN/WAN. Those skilled in the art will appreciate that while reference is made to a jitter buffer, multiple jitter buffers may be included in or used in place of jitter buffer 342. In the preferred embodiment of the present invention, jitter buffer 342 would contain a separate jitter buffer for each client served in the conference. Once the data packets are aligned, the level of the individual signals is scaled, if necessary, as determined by the adjustable gain/loss controller 344, based on speech activity across all client signals and average speech level. Scaling is performed to equalize signals of clients who,

at a given time, are determined to be “active” or talking and to suppress noise from clients who, at a given time, are determined to be silent. The scaled signals are then combined in a mixer 346 to create a single multicast signal. The multicast signal is then transmitted over the LAN/WAN 300 to all of the clients involved in the conference call. In the preferred embodiment of the invention, changes in the scale factor (gain/loss) applied to individual client signals are made on packet boundaries. This simplifies the operation of the echo cancellers at the client receivers.

(emphasis added). That is, the passage discloses operations performed at the server. The passage, however, fails to disclose, teach, or suggest “determining, at a local endpoint, a plurality of metric ratings, each metric rating reflecting an importance of a signal of the plurality of signals” of amended independent Claim 1. For at least these reasons, independent Claim 1 and its dependent claims are allowable under 35 U.S.C. § 102. For analogous reasons, independent Claims 7, 13, and 19, and their respective dependent claims are allowable under 35 U.S.C. § 102. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 1-19.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Keiko Ichiye, the Attorney for Applicants, at the Examiner's convenience at (214) 953-6494.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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